

House Bill 907 (AS PASSED HOUSE AND SENATE)

By: Representatives Casas of the 103<sup>rd</sup>, Coleman of the 97<sup>th</sup>, Maxwell of the 17<sup>th</sup>, Kaiser of the 59<sup>th</sup>, Neal of the 1<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

To amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to revise certain provisions relating to organization of schools, middle school programs, and scheduling; to amend Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the scholarship program for special needs students, so as to provide for additional notification of the program; to amend Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the scholarship program for special needs students, so as to provide for application deadlines; to provide deadlines for scholarship payments to parents; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," is amended by revising Code Section 20-2-290, relating to the organization of schools, middle school programs, and scheduling, as follows:

"20-2-290.

(a)(1) The board of education of any local school system is authorized to organize or reorganize the schools and fix the grade levels to be taught at each school in its jurisdiction. ~~Local school systems which have organized their schools in such a manner that facilities~~ Schools which house grades six, seven, ~~and eight or grades seven and or eight, or any combination thereof,~~ shall qualify for the middle school program for students ~~in grade levels so housed. A school which houses grades other than six, seven, or eight shall only be eligible if it has a full-time principal for grades seven and eight or six, seven, and eight and another full-time principal for grades above or below the middle school grades;~~ provided, however, that such schools also meet all other provisions of this Code section and criteria and standards prescribed by the State Board of Education.

~~Schools with students in the sixth grade shall not be eligible for the middle school program if the sixth grades are not housed in middle schools which also contain both grades seven and eight.~~ Further, two or more adjacent local school systems shall qualify for the middle school program if through their contractual arrangement they jointly meet the requirements of this Code section and the criteria and standards prescribed by the state board.

(2) The board of education of any local school system shall be authorized to employ school administrative managers in lieu of or in addition to assistant principals. Such school administrative managers shall not be required to be certificated by the Professional Standards Commission but shall have such qualifications as determined by the local board with a minimum requirement of a bachelor's degree. The duties of school administrative managers shall be to oversee and manage the financial and business affairs of the school. The principal shall retain authority over the curriculum and instructional areas. The school administrative manager shall report directly to the principal. In the event that a local board considers hiring or utilizing school administrative managers pursuant to this subsection, it shall receive and give all due consideration to recommendations by the school council as to whether or not to utilize such position and as to selection of the manager. Existing employees of the local board shall be eligible to serve as school administrative managers if they meet other qualifications and requirements established by the local board for such position. For purposes of earning funds for such positions, school administrative managers shall be treated in all respects the same as assistant principals.

~~(b) Except as otherwise provided in subsection (c) of this Code section, local~~ Local boards of education shall schedule each middle school so as to provide the following:

(1) A minimum of five hours of instruction in English and language arts, reading, mathematics, science, social studies, and such other academic subjects as the State Board of Education shall prescribe. ~~For students not performing on grade level, as defined by the Office of Student Achievement, the minimum of five hours shall include such remedial academic instruction in English and language arts, reading, mathematics, science, or social studies as required to bring such students to grade level performance with the priority for such remediation being placed on reading and mathematics or as otherwise determined by the student's team of academic teachers, provided that, in making such a determination the team shall consider the student's performance on the criterion-referenced assessments authorized in Code Section 20-2-181;~~

(2) Beyond the minimum of five hours of academic instruction, the local board shall have the authority to schedule for the remainder of the day such academic or exploratory classes as the State Board of Education shall prescribe; provided, however, that a student

shall be allowed to take additional academic classes instead of exploratory classes if the parent or guardian of such a student requests such assignment, subject to availability; and (3) An interdisciplinary team of academic teachers with common planning time of a minimum of 55 minutes.

~~(c) Local schools may apply to the state board for an exception to the schedule set out in subsection (b) of this Code section in order to schedule a minimum of 4.5 hours of academic instruction. If the local school has achieved an acceptable rating for the preceding year, the state board shall grant the application for an exception.~~

~~(d)~~(c) Local school systems shall comply with subsection (b) ~~or (c)~~ of this Code section in order to qualify for the middle school program.

~~(e)~~(d) If a local school system has a combination of qualified and nonqualified schools, it shall qualify for the middle school program only for those students counted in the full-time equivalent count for the middle school program in qualified middle schools."

#### SECTION 1A.

Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the scholarship program for special needs students, is amended in Code Section 20-2-2113, relating to annual notification of options available to parents of special needs children, by revising subsection (a) as follows:

"(a) The resident school system shall ~~annually notify prior to the beginning of each school year the parent of~~ provide the following notice to the parents of all enrolled students a student with a disability by letter, by electronic means, or by such other reasonable means in a timely manner of the options available to the parent under this article; and, if the school system utilizes automated telephone calls, by such automated system in each January and April:

'Your child may be eligible for a Georgia Special Needs Scholarship to attend a private school or another public school if your child has an Individualized Education Program (IEP). Information may be found at [www.specialedoptions.com](http://www.specialedoptions.com) relating to eligibility requirements.'

In addition, the resident school system shall ensure that a student with a disability is notified at each individualized education program (IEP) meeting."

#### SECTION 1B.

Said article is further amended in Code Section 20-2-2114, relating to qualifications for scholarship, by revising paragraphs (3) and (5) of subsection (a) as follows:

"(3) The student has spent the prior school year in attendance at a Georgia public school and ~~shall have had an~~ has a current Individualized Education Program (IEP) written by

the school in accordance with federal and state laws and regulations, regardless of when such IEP was put into place;"

"(5) The parent submits an application for a scholarship to the department no later than the deadline established by the department; provided, however, that the department shall provide application deadline opportunities on August 1, October 1, and March 1 of each school year for a student to transfer."

#### SECTION 1C.

Said article is further amended in Code Section 20-2-2116, relating to amount of scholarship, by revising subsection (e) as follows:

"(e) Upon proper documentation received by the department, the department shall make equal quarterly scholarship payments to the parents of scholarship students ~~on dates established by the department~~ or, for students who have been enrolled in a participating school for at least ten days in the prior quarter if such students enrolled in the participating school after the school's start date, the department shall make scholarship payments to the parents of such students beginning on the next payment date included in this subsection. The department shall make payments on or before September 1, November 1, February 1, and April 1 for periods corresponding, respectively, to July 1 through September 30, October 1 through December 31, January 1 through February 28, and March 1 through June 30 during each academic year in which the scholarship is in force. In the event that a quarterly payment date is missed due to a student not having been enrolled for at least ten days in the prior quarter, the full or prorated scholarship amount, as applicable, for that deadline shall be included in the payment on the next following payment deadline. The state auditor shall cite as an audit exception any failure by the department to meet any such payment deadlines and shall include such audit exceptions on the website established pursuant to Code Section 50-6-32. The initial payment shall be made upon evidence of admission to the participating school, and subsequent payments shall be made on evidence of continued enrollment and attendance at the participating school."

#### SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

#### SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.